



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,854	03/06/2002	Thomas Sheng	12863 B	5859

7590 11/18/2003
CHARLES E. BAXLEY, ESQUIRE
Hart, Baxley, Daniels & Holton
59 John St, 5 Fl
New York, NY 10038

EXAMINER

CHERRY, EUNCHA P

ART UNIT	PAPER NUMBER
----------	--------------

2872

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,854

Applicant(s)

SHENG ET AL.

Examiner

EUNCHA P. CHERRY

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Steinle et al.

Steinle et al discloses a scanning device (Fig. 2) comprising:

at least one light source (180 and 184) for illuminating a document (208 and column 4, lines 65-67);

a light folding device having a first reflection mirror (212) and a second reflection mirror (214) that faces the first reflection mirror and the information being reflected between the first and second reflection mirrors (see 242);

a final reflection mirror unit (216 and 162 of Fig. 3) including at least one reflection mirror for receiving and reflecting image information from the folding device (see Fig. 2);

Art Unit: 2872

a lens unit located in the path of light of the image information reflected from the final reflection mirror unit (164, 165);

an optical sensor (column 5, line 20); and at least one driving device for driving the final reflection mirror unit (302). The final reflection mirror unit is a rotatable and movable reflection mirror (see column 6, lines 15-20). The final reflection mirror unit has a first mirror (216) and a second mirror (162).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-7, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinle et al in view of Suzuki.

Steinle et al discloses the claimed invention as set forth above except that at least one of the first and second reflection mirrors are rotatable or movable **or** the light folding

Art Unit: 2872

device and the light source are moved simultaneously. Suzuki discloses the copying machine that teaches at least one of the first and second reflection mirrors are rotatable or movable **or** the light folding device and the light source are moved simultaneously (see abstract and column 2, lines 14-20). It would have been obvious to one of ordinary skill in the art to adapt the teaching of the Suzuki for the purpose of maintaining the optical path when miniaturizing the scanning device (column 2, lines 4-20).

Response to Arguments

5. Applicant's arguments filed 9/8/2003 have been fully considered but they are not persuasive. Applicant argues that the present invention has a function of multi-resolution ability and concludes that the prior art is unable to achieve the multi-resolution effect as the present invention does. Applicant is reminded that the basis for the argument is not persuasive because the language "multi-resolution" is recited in the preamble, which is not incorporated into the body of the claim. The intended use recited in the preamble does not get patentable weight. Applicant is requested to introduce the language "multi-resolution" into the body of the claim. Applicant argues that the operation principle of the present invention is

Art Unit: 2872

different from the prior art. Examiner disagrees. Applicant is reminded that the claim language of the present invention states "at least one driving device for driving one of the light source, the light folding device and the final reflection mirror unit". The claim does not require "only one of the light source, the light folding device and the final reflection mirror unit". Therefore, the limitation is met by the reference as pointed out in the rejection above.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

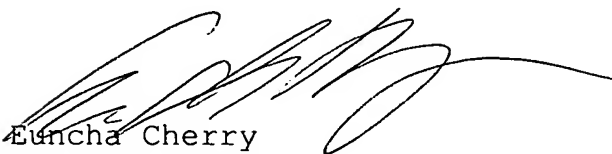
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2872

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUNCHA P. CHERRY whose telephone number is 703-305-0997. The examiner can normally be reached on M-F 6:30-4:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DREW DUNN can be reached on 703-305-0024. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Euncha Cherry
Primary Examiner
November 14, 2003